

### **Objection to Drawings**

The Office Action objects to the drawings under 37 C.F.R. § 1.83(a).

In particular, the Office Action asserts that the leaf spring urging member of claim 3 must be shown in the Figures or cancelled from the claims. Applicants have canceled claim 3 thus rendering this aspect of the objection to the drawings moot.

The Office Action also asserts that reference character "12" has been used to designate both a pressure receiving plate and a cantilever. Applicants have amended the specification to correct this typographical error by deleting the "12" from page 5, line 25 thus overcoming this aspect of the objection to the drawings.

The Office Action also asserts that Figures 4-8 should be designated by a legend such as --Prior Art--. Applicants have added a designation to Figures 4-8 labeling Figures 4-8 as showing --Conventional Art--.

In view of the above, Applicants respectfully submit that the objection to the drawings under 37 C.F.R. § 1.83(a) is overcome. Reconsideration and withdrawal thereof are respectfully requested.

### **Section 112, Second Paragraph, Rejection**

The Office Action rejects claims 1-4 under 35 U.S.C. § 112, second paragraph, as being indefinite for containing asserted informalities. Applicants believe that this rejection is overcome with the above amendments to claim 1. Thus, reconsideration and withdrawal of the rejection of claims 1-4 under 35 U.S.C. § 112, second paragraph, are respectfully requested.

### **Section 102 Rejections**

The Office Action rejects claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Viano et al. (U.S. Patent No. 5,378,043). The Office Action also rejects claims 1-3 under 35 U.S.C. § 102(e) as being anticipated by Wiklund (U.S. Patent No. 6,199,947). These rejections are traversed as they may apply to the amended claims.

As amended, the present claims require a head rest apparatus that includes, *inter alia*, a stopper member for restricting backward tilting of the head rest frame; wherein the head rest frame tilts forward around the tilting shaft so as to move the head rest forward when the pressure receiving member is exposed to the load, the urging member urges the head rest frame in the backward tilting direction from a rear portion so as to be thrust to the stopper member, and a head rest holder for mounting the head rest thereto is provided at an upper end of the head rest frame, the head rest frame is brought into contact with an upper end of the seat back frame, whereby back tilting of the head rest frame is restricted.

Neither Viano et al. nor Wiklund teach or suggest such a head rest apparatus including such features as required by the present claims.

For at least the above reasons, reconsideration and withdrawal of the rejections of claims 1-4 and 1-3 under 35 U.S.C. § 102(b) are respectfully requested.

## **Conclusion**

In view of the above remarks, Applicants respectfully submit that this application is in condition for allowance. Favorable consideration and prompt allowance is earnestly solicited. Should the Examiner believe anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. The Commissioner is authorized to charge payment for any additional fees which may be required with respect to this paper to Counsel's Deposit Account 01-2300, referring to client-matter number 108179-00005. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, making references to attorney docket 108179-00005.

Respectfully submitted,



Robert K. Carpenter  
Registration No. 34,794

Customer No. 004372  
ARENT FOX KINTNER PLOTKIN & KAHN, PLLC  
1050 Connecticut Avenue, N.W.,  
Suite 400  
Washington, D.C. 20036-5339  
Tel: (202) 857-6000  
Fax: (202) 638-4810

RKC/sh

Attachment: Amended Specification and Claims Marked-Up to Show Changes

**Amended Specification and Claims Mark-up to Show Changes**

**IN THE SPECIFICATION:**

Please amend the specification as follows:

Please replace paragraph [20] of the specification with the following new paragraph:

--[0020] The head rest apparatus 10 is mainly constituted by a C-shaped head rest frame 11 mounted to the respective brackets 4 via tilting shafts (not shown) so as to freely tilt in a longitudinal direction, a pressure receiving plate (a pressure receiving member) 12 fixed to a lower end portion of the head rest frame 11, and a cantilever [12] (an urging member) 13 always urging the head rest frame 11 in a backward tilting direction. The head rest frame 11 is arranged in a state of being received in an inner portion of the upper frame 3 so as to direct both ends downward, and portions a suitable distance below the upper ends of the right and left portions extending in the vertical direction are mounted to the brackets 4 via the tilting shafts.--

**IN THE CLAIMS:**

Please cancel claim 3 without prejudice to or disclaimer of the subject matter contained therein.

Please amend claim 1 as follows:

1. A head rest apparatus comprising:

a head rest frame supported to a seat back frame of a seat back via a tilting shaft so as to freely tilt, and having an upper side of the tilting shaft, to which a head rest is attached;

a pressure receiving member provided in a lower side of the tilting shaft in the head rest frame and receiving a load applied from a front surface of the seat back to a backward portion:

an urging member engaging with the seat back frame and the head rest frame and always urging the head rest frame in a backward tilting direction; and

a stopper member for restricting backward tilting of the head rest frame;

wherein the head rest frame tilts forward [tilting] around the tilting shaft [corresponding to a supporting point and] so as to move the head rest forward [moving] when the pressure receiving member is exposed to the load,

[wherein] the urging member urges the head rest frame in the backward tilting direction from a rear portion so as to be thrust to the stopper member, and

a head rest holder for mounting the head rest thereto is provided at an upper end of the head rest frame, the head rest frame is brought into contact with an upper end of the seat back frame, whereby back tilting of the head rest frame is restricted.

Please add new claim 5-6 as follows:

--5. (Added) A head rest apparatus according to claim 2, wherein a bracket is mounted to an upper end portion of the seat back frame, an upper end of the cantilever is mounted to the bracket.

6. (Added) A head rest apparatus according to claim 6, wherein a stopper is mounted to the bracket, the upper end of the cantilever is engaged with the stopper so as to form a cantilever support structure.--